

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

GARRETT GEORGE and
ASHLEY GEORGE,

Plaintiffs and
Counterclaim Defendants,

v.

Civil Action No.: 2:20-cv-00361

EVERGREEN BANK GROUP
d/b/a FREEDOM ROAD FINANCIAL,

Defendant and
Counterclaimant.

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Counterclaimant Evergreen Bank Group (“Evergreen”) submits this Stipulation of Dismissal for the dismissal of its counterclaim asserted against Plaintiff, Ashley George, *with prejudice* and without costs or attorney fees. For clarity, Evergreen’s Counterclaim against Garrett George remains active and is not subject to this Stipulation of Dismissal.

Additionally, Plaintiff, Ashley George, submits to this Stipulation of Dismissal for the dismissal of all her claims in this action against Evergreen, *with prejudice* and without costs or attorney fees. For clarity, Plaintiff Garrett George’s claims against Evergreen remain active and are not subject to this Stipulation of Dismissal.

PRAYER

Evergreen and Plaintiff, Ashley George, respectfully request that (1) Evergreen’s counterclaim as to and only as to Ashley George is dismissed *with prejudice* and without costs or attorney fees, (2) that Ashley George’s claims in this action be dismissed, *with prejudice* and

without costs or attorney fees, and (3) that the Court enter the attached Order of Dismissal enclosed herewith as Exhibit A.

Submitted and agreed to by:

/s/ Alex J. Zurbuch

Jared M. Tully (WVSB #9444)

Alex J. Zurbuch (WVSB #12838)

Frost Brown Todd LLC

United Bank Building, Suite 1100

500 Virginia Street East

Charleston, WV 25301

jtully@fbtlaw.com

azurbuch@fbtlaw.com

Counsel for Evergreen Bank Group

d/b/a Freedom Road Financial

/s/ Megan A. Patrick

Benjamin M. Sheridan (WVSB #11296)

Megan A. Patrick (WVSB #12592)

Klein & Sheridan, LC

3566 Teays Valley Road

Hurricane, WV 25526

mpatrick@kswvlaw.com

Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I, Alex J. Zurbuch, do hereby certify that on this 29th day of October, 2020, I electronically filed the foregoing *Stipulation of Dismissal* with the Clerk of the Court using the CM/ECF system.

/s/ Alex J. Zurbuch
Alex J. Zurbuch